

Jennifer Moate

Called: 2006
jennifermoate@fivepaper.com

"A consummate lawyer who acts for the benefit of the client at all times"

"Jenny is a brilliant barrister and really good on her feet. She has an eye for detail and always anticipates issues before they become problematic. She is a forceful and tenacious advocate in court."

Chambers & Partners and The Legal 500 UK



PROFILE

Jenny is a barrister specialising in landlord and tenant, social housing, public law, real property, trusts of land and private client work, with particular expertise in the Equality Act 2010, domestic abuse and building safety.

Ranked as a leading individual, Jenny is highly regarded in the field of social housing, having worked in the sector since 2006. She is committed to excellent client care and gives realistic, practical advice at an early stage to ensure the best possible outcome. She offers an efficient, digital-based service.

Jenny's clear-sighted and tenacious approach is welcomed by all her clients, ranging from private individuals to local authorities. She is a skilled negotiator who frequently assists clients to reach successful settlement. Her incisive legal analysis, rigorous preparation and robust advocacy lead to repeatedly excellent results at court. Jenny recently appeared in the Court of Appeal in *Rowe v Haringey* [2022] EWCA Civ 1370, [2022] 10 WLUK 270 and as sole counsel in *Molloy v BPHA* [2021] EWCA Civ 1035 where she successfully defended an appeal against the use of CCTV and committal for racist abuse.

An accomplished webinar/seminar speaker, Jenny regularly presents on upcoming legislation and topical issues. Recent seminars include Costs in Disrepair and Environmental Act Prosecutions, Domestic Violence in Social Housing and the Family Court, Anti-social Behaviour & Contempt of Court applications and the Building Safety Act 2022.

EXPERTISE

Landlord and Tenant

Jenny has an in-depth experience of property matters, having specialised in this area for over 15 years, acting for both landlords and tenants. Her practice areas include:

- Landlord and tenant disputes including possession and breach of lease
- Dilapidations, disrepair and environmental health
- Business tenancies – renewal, termination and breach of lease
- First-tier tribunal (Property Chamber) disputes and Upper Tribunal appeals
- Service charges, Building Safety Act

Jenny has recently advised on and presented webinars on the Building Safety Act 2022

Social Housing

Jenny is a former member of the housing team at Hodge Jones & Allen Solicitors, where she was identified as a leading individual in the field of social housing. She is ranked as a leading junior and is regularly instructed by local authorities, housing associations and tenants across all aspects of housing law. Her practice areas include:

- Possession – succession, tenancy fraud and anti-social behaviour
- Public law – homelessness appeals, allocation and Equality Act/PSED/proportionality defences
- Injunctions and committal – ASB, access and breach of tenancy
- Court of Protection and mental health
- Housing conditions, disrepair and environmental health

Recent Instructions:

- *Camden v Etienne* (2024 unreported) – Jenny successfully applied to strike out a disability defence on the basis that illiteracy did not arise from a mental or physical impairment.
- *Rowe v Haringey* [2022] EWCA Civ 1370, [2022] 10 WLUK 270 – Jenny (led by Nicholas Grundy KC) was successful in the Court of Appeal in this homelessness appeal on the issue of overcrowding and whether it is reasonable for a homeless applicant to remain in accommodation in an HMO.
- *Molloy v BPHA* [2021] EWCA Civ 1035 – Jenny successfully appeared as sole counsel in this appeal against the use of CCTV and committal for racist abuse.
- *Peabody v Denti* (2021) – Jenny secured final injunctive relief to exclude a tenant who had set a fire in their housing block, arguing that even if there was a diminished risk of repeated behaviour, other residents were at risk of harm due to trauma.
- *Luton v Smith* (2020) – Jenny resisted an unlawful discrimination/ PSED defence and secured a final injunction in circumstances where the medical report with details of the alleged medical conditions had been served late (following *L&Q HT v Patrick* [2019] EWHC 1263 (QB)).
- *Grant v L&Q and Usuanlele* (2020) – Jenny struck out the EPA prosecution on the basis that the notice fell foul of the requirements in s82(6).

Private Client

Jenny is the leader of the Private Client team at Five Paper. She acts on applications under the Trusts of Land and Appointment of Trustees Act 1996 including challenges to beneficial interest in property, as well as issues

of contentious inheritance, wills and probate.

Recent work includes:

- Advising on the presumption of advancement and proprietary estoppel in the context of a large family estate;
- Opposing a contested application under s14 TOLATA 96 for an order for sale;
- Advising on claims under the Inheritance (Provision for Family and Dependants) Act 1975
- Representing a former cohabitee in a TOLATA dispute to establish a beneficial interest in the home

Public Law

Jenny is regularly instructed in homelessness appeals and housing judicial reviews. She has long-standing relationships with many local authorities and appears as sole counsel in homelessness matters in the County Court, the Administrative Court and the Court of Appeal. She also deals with urgent applications for interim relief.

Recent work includes:

- Advising a local authority in the interpretation of their constitution regarding the contracting out of their homelessness functions.
- Successfully opposing an urgent application for interim relief on the basis that it lacked merit.
- Advising on the merits of and representing the local authority in a homelessness review decision focused on suitability.
- *Rowe v Haringey* [2022] EWCA Civ 1370, [2022] 10 WLUK 270 – Jenny (led by Nicholas Grundy KC) was successful in the Court of Appeal in this homelessness appeal on the issue of overcrowding and whether it is reasonable for a homeless applicant to remain in accommodation in an HMO.

FURTHER INFO

Qualifications

Wadham College Oxford – English BA (Hons) (Oxon)
University of Westminster – Graduate Diploma in Law
BPP School of Law – BVC (Outstanding)

Conferences, Seminars and Webinars

Please contact the clerks if you would like Jenny to provide training in one of her specialist areas. Jenny has recently given the following webinars:

- Domestic Violence in Social Housing and the Family Court
- Civil Procedure Rules PD 55C

- Anti-social Behaviour Injunctions and Contempt of Court under the new Part 81
- Defending Environmental Protection Act Prosecutions

Professional Memberships

Social Housing Lawyers Association (SHLA)
Family Law Bar Association (FLBA)
Advocate
Middle Temple

Quotes



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Social Media

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